

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

MAYFAIR LUMBER CO.

and

Case 13-CA-46691

**LABORERS' LOCAL 681, AFFILIATED
WITH LABORERS' INTERNATIONAL
UNION OF NORTH AMERICA**

DECISION AND ORDER

Statement of the Case

On December 16, 2011, Mayfair Lumber Co. (the Respondent), Laborers' Local 681, Affiliated with Laborers' International Union of North America (the Union), and the Acting General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act, as amended, and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following:

Findings of Fact

1. The Respondent's business

The Respondent is an employer engaged in commerce within the meaning of Sections 2(2), (6), and (7) of the National Labor Relations Act, and is subject to the jurisdiction of the National Labor Relations Board based on the following commerce facts:

Mayfair Lumber Co. is engaged in the retail and wholesale sale of lumber and related material to the public, builders, and contractors. In the last calendar year, a representative period, the Employer received gross revenues in excess of \$500,000. During this same period of time, the Employer purchased and received at its Chicago, Illinois facility goods, products, and materials valued in excess of \$50,000 directly from points located outside the state of Illinois.

2. The labor organization involved

The Union is a labor organization within the meaning of Section 2(5) of the Act.

3. The appropriate unit

The following employees of Respondent, herein called the unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All Tallymen (excluding retail clerks), Apprentice Tallymen, Laborers and Temporary Help employed by the Respondent, but excluding all other employees.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation and the entire record and pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board orders that

The Respondent, Mayfair Lumber Co., Chicago, Illinois, its officers, agents, successors, and assigns shall

1. Cease and desist from

(a) Failing and refusing to meet and bargain collectively and in good faith with Laborers' Local 681, Affiliated with Laborers' International Union of North America.

(b) Failing and refusing to have a bargaining representative with authority to engage in meaningful bargaining meet with Laborers' Local 681, Affiliated with Laborers' International Union of North America, to bargain collectively and in good faith.

(c) Failing and refusing to meet with Laborers' Local 681, Affiliated with Laborers' International Union of North America, at reasonable times to engage in collective bargaining.

(d) Failing and refusing to make proposals and counterproposals to Laborers' Local 681, Affiliated with Laborers' International Union of North America.

(e) In any manner interfering with, restraining, or coercing employees in the exercise of their Section 7 rights.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Meet and bargain collectively and in good faith with Laborers' Local 681, Affiliated with Laborers' International Union of North America.

(b) Provide a bargaining representative with authority to engage in meaningful bargaining with Laborers' Local 681, Affiliated with Laborers' International Union of North America.

(c) Meet with Laborers' Local 681, Affiliated with Laborers' International Union of North America, at reasonable times at least twice per month as requested by the Union to engage in collective bargaining.

(d) Make proposals and counterproposals to Laborers' Local 681, Affiliated with Laborers' International Union of North America.

(e) Post at its Chicago, Illinois facility, copies of the attached notice marked "Exhibit 3" within 14 days of the Region's service of the notice. Copies of the notice, on forms provided by Region 13, shall be signed by Respondent's authorized representative and posted by the Respondent. Copies of the notice shall be posted for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(f) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that Respondent has taken to comply.

Dated, Washington, D.C., December 30, 2011.

Mark Gaston Pearce, Chairman

Craig Becker, Member

Brian E. Hayes, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

Exhibit 3

NOTICE TO EMPLOYEES

**Posted by Order of the
National Labor Relations Board
An Agency of the United States Government**

PURSUANT TO A **FORMAL SETTLEMENT STIPULATION** PROVIDING FOR A
BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED
STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Section 7 of the National Labor Relations Act gives you as employees these rights:

- Form, join, or assist a union;
- Choose representatives to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT fail and refuse to meet and bargain collectively and in good faith with Laborers' Local 681, Affiliated with Laborers' International Union of North America, hereafter referred to as the "the Union."

WE WILL NOT fail and refuse to have a bargaining representative with authority to engage in meaningful bargaining meet with the Union to bargain collectively and in good faith.

WE WILL NOT fail and refuse to meet with the Union at reasonable times at least twice per month as requested by the Union to engage in collective bargaining.

WE WILL NOT fail and refuse to make proposals and counterproposals to the Union.

WE WILL NOT in any way frustrate you in the exercise of any of the rights stated above.

WE WILL meet and bargain collectively and in good faith with the Union.

WE WILL provide a bargaining representative with authority to engage in meaningful bargaining with the Union.

WE WILL meet with the Union at reasonable times at least twice per month as requested by the Union to engage in collective bargaining.

WE WILL make proposal and counterproposals to the Union.

MAYFAIR LUMBER CO.
(Respondent)

DATE: _____ BY: _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlrb.gov and the toll-free number (866) 667-NLRB (6572).

209 South LaSalle Street, Suite 900
Chicago, Illinois 60604-1219

Telephone: (312) 353-7571
Hours of Operation: 8:30 a.m. to 5:00 p.m.